

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ALPHONSO V. FRAZIER II,

Plaintiff,

vs.

KATHERINE GONZALES-  
SANDOVAL, RUTH SANDOVAL,  
DEBLIN GONZALES-ZEPEDA, and  
ADAM OATHOUT,

Defendants.

**8:24CV307**

**MEMORANDUM AND ORDER**

This matter is before the Court Plaintiff Alphonso V. Frazier II's ("Plaintiff") Motion for Leave to Appeal in Forma Pauperis ("IFP"), which the Court also liberally construes as a Notice of Appeal. [Filing No. 11](#). Plaintiff filed his Notice of Appeal and IFP Motion on July 11, 2025. Plaintiff appeals from the Court's Memorandum and Order and Judgment dated June 12, 2025, in which the Court dismissed this matter without prejudice. [Filing Nos. 9 & 10](#).

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

(a) Leave to Proceed in Forma Pauperis . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court--before or after the notice of appeal is filed--certifies that the appeal is not taken in good faith or finds that the party is not otherwise

entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding . . . .

The Court finds that because Plaintiff proceeded IFP in the district court, he may now proceed on appeal in forma pauperis without further authorization.

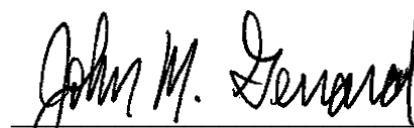
IT IS THEREFORE ORDERED that:

1. The Clerk of Court is directed to update the docket to reflect that [Filing No. 11](#) is construed and docketed as both a Notice of Appeal and Motion for Leave to Appeal in Forma Pauperis.

2. Plaintiff's Motion for Leave to Appeal in Forma Pauperis, [Filing No. 11](#), is granted.

Dated this 15th day of July, 2025.

BY THE COURT:

A handwritten signature in black ink, reading "John M. Gerrard", written over a horizontal line.

John M. Gerrard  
Senior United States District Judge